

The following will be added to the Env-A 3300, *Municipal Waste Combustion*, rules

I. Definitions:

“Construction and demolition (C&D) wood” means wood that is generated from the processing of debris from construction and demolition activities for the purposes of recovering wood (as defined in 40 CFR 241.2)

“Clean processed wood residue” (CPWR) means C&D wood that has undergone positive or negative sorting (as defined in 40 CFR 241.4(a)(5)).

“#4 minus fines” means small-sized particles that will pass through a #4 (ASTM E11:95) filter screen

II. Combustion of CPWR fuel

A. Combustor may combust CPWR fuel under the following conditions:

1. It is obtained from qualified fuel suppliers;
2. No more than 10,000 tons per consecutive 12 months is combusted; and
3. CPWR is only combusted during the period November 15 to April 15.

III. CPWR Fuel Quality

Combustors of CPWR must ensure the fuel:

- A. Complies with the requirements in 40 CFR 241 Subpart B – *Identification of Non-Hazardous Secondary Materials That Are Solid Wastes When Used as Fuels or Ingredients in Combustion Units* section 241.4(a)(5), promulgated February 8, 2016 (FR 01866); and
- B. Meets the following standards:
 1. Non-wood materials (e.g. drywall, concrete, aggregates, dirt and asbestos) comprise no more than 1.0% by weight of the final product;
 2. Wood treated with creosote, pentachlorophenol, chromated copper arsenate, or other copper, chromium or arsenical preservatives comprise no more than 1.5% by weight in the final product;
 3. #4 minus fines do not to exceed 10% by weight in the final product;
 4. Total arsenic is less than 50 parts per million (mg/kg) dry basis; and
 5. Total lead is less than 250 parts per million (mg/kg) dry basis

IV. Fuel Supplier Qualification

In order to certify CPWR meets the standards in A. and B. above, the fuel supplier shall:

- A. Initially demonstrate CPWR compliance by passing an independent 3rd party inspection.
- B. Continually demonstrate CPWR compliance by:
 1. Collecting and analyzing composite sample collected in each calendar quarter in which at least 1,000 tons of fuel is produced.

- a. Each composite shall consist of at least one grab sample from each 250 tons of CPWR fuel produced.
 - b. Analytical results shall be available within 45 days of the end of the calendar quarter.
2. Pass an independent 3rd party inspection prior to November 15th annually.
- C. Independent 3rd party inspections required in this part shall:
 1. Be performed by an independent 3rd party;
 2. Be unannounced;
 3. Include onsite inspection of the supplier to determine whether processing complies with requirements of 40 CFR 241 Subpart B;
 4. Include collection and analysis of a composite sample consisting of at least 8 discrete samples from CPWR fuel on site at the time of the inspection to determine whether fuel meets the criteria in III.B; and
 5. Be documented in a report presenting results finalized within 45 days of the inspection.
- D. Analyses
 1. Each sample of CPWR fuel required in this part shall be analyzed for:
 - a. Non-wood materials % by weight;
 - b. Wood treated with creosote, pentachlorophenol, chromated copper arsenate, or other copper, chromium or arsenical preservatives % by weight;
 - c. #4 minus fines % by weight;
 - d. Total arsenic mg/kg dry basis using USEPA SW846 Method 6010D; and
 - e. Total lead mg/kg dry basis using USEPA SW846 Method 6010D
 2. Analyses required in d. and e. above shall be performed by a laboratory certified by the U.S. Environmental Protection Agency or the department pursuant to Env-C 300.

V. Combustor Requirements

- A. The combustor shall obtain and maintain the following records from each CPWR fuel supplier prior to accepting any fuel from that supplier:
 1. The supplier's plan for handling, sorting, and preparing acceptable clean processed wood residue from C&D debris, including:
 - a. A description of its sorting procedures to ensure prohibited items are removed/excluded;
 - b. A description of storage practices;
 - c. A description of employee training and monitoring;
 - d. The facility management structure and staffing;
 - e. The method of delivering clean processed wood residue fuel to the combustor; and

- f. The sources of material to the clean processed wood residue fuel supplier;
 - 2. A list of the supplier's current solid waste and environmental permit(s) for the operation and management of the CPWR processing facility;
 - 3. Copies of any enforcement actions and compliance audits/inspections performed by USEPA, the department, or environmental regulatory agency occurring within the past five years for suppliers located outside of New Hampshire; and
 - 4. A copy of the report presenting the results of the most recent independent 3rd party inspection required in IV.A or IV.B.2 above.
- B. For each delivery of CPWR fuel, written certification, signed by the clean processed wood residue supplier, that includes the statement:
- “This clean processed wood residue has been sorted in accordance with the requirements in 40 CFR 241 Subpart B – *Identification of Non-Hazardous Secondary Materials That Are Solid Wastes When Used as Fuels or Ingredients in Combustion Units*, complies with the fuel quality requirements in III.B, and does not contain hazardous waste.”
- C. The results of any tests conducted by the fuel supplier in accordance with IV. B and D above for any calendar quarter in which the supplier delivered fuel to the combustor;
- D. Prior to December 31 annually, the results of any independent third party audits conducted in accordance with IV.B.2 above; and
- E. Annually, within 30 days of the end of the calendar year
- a. Updated versions of any documentation provided pursuant to V.A.1. through 3. above; or
 - b. A signed statement indicating that previous versions are still valid.
- F. Cessation and resumption of receipt of fuel from a supplier
- 1. The combustor shall immediately cease accepting deliveries of CPWR fuel from any supplier for which any documentation in required in A. above is late, missing, or indicates that the supplier did not meet qualification criteria in III, above.
 - 2. The combustor may resume accepting deliveries of CPWR fuel from the supplier if the supplier provides:
 - a. A written analysis of the condition which caused supplier to lose qualification;
 - b. A written description of measures the supplier implemented to correct and prevent condition from recurring; and
 - c. If loss of qualification was the result of failing results from analysis of a CPWR fuel sample, the analytical results of the composite sample that demonstrates the CPWR fuel being produced subsequent to the corrections meets the standards in III.B.
 - 3. The combustor shall notify the department within 15 days of any cessation or resumption of deliveries from a supplier described in 1. or 2. above.